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Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHRISTOPHER LEE
SWARTWOOD,

Defendant.

No. 12-CR-179-S

**DEFENDANT'S UNOPPOSED MOTION TO CONTINUE AND SET TRIAL
BEYOND SPEEDY TRIAL DATE**

Comes now the defendant, Christopher Swartwood, by and through his attorney,
Andrew Parnes, and respectfully requests this Court continue and set trial in this matter

beyond the speedy trial date. In support of this request, the Defendant informs the Court as follows:

1. On July 19, 2012, the Grand Jury returned an indictment against the Defendant alleging two counts of felon in possession of firearm in violation of 18 U.S.C. §§922 (g)(1) and 924 (e).
2. The Defendant was arrested and taken for an initial appearance before Magistrate Judge McKee, on July 26, 2012. The Government moved for detention, and on July 30, 2012, Defendant waived a detention hearing and is currently incarcerated. A Federal Public Defender was appointed to represent Mr. Swartwood.
3. Trial in this matter has been set for October 1, 2012 in Casper, Wyoming. However, as will be outlined in more detail below, this trial setting will not permit the Defendant sufficient time to prepare an appropriate defense for the pending charges, and under the Speedy Trial Act, a continuance beyond that date is requested.
4. On August 28, 2012, Andrew Parnes entered his first appearance on behalf of Mr. Swartwood in place of the Federal Defender. Mr. Parnes was then provided initial discovery by AUSA Jason Conder on August 29, 2012. The discovery at this time is approximately 1100 pages plus numerous recorded telephone conversations. Mr. Conder has informed undersigned counsel

that additional investigative reports will be provided within the next several weeks. The indictment alleges two separate and distinct charges of firearm possession carrying a possible sentence of thirty years to life.

5. Based on the materials provided to date, undersigned counsel has determined that he needs to conduct extensive investigation in order to prepare for trial. It is anticipated that this investigation will take at least 90 days to complete.
6. 18 U.S.C. § 3161(h)(7)(B) sets forth the factors which a court can consider in granting a continuance beyond the speedy trial date. These factors include whether the failure to grant a continuance is likely to result in a miscarriage of justice, whether the matter is complex or whether counsel for the Defendant or the Government would be denied the reasonable time necessary for effective preparation for trial. *See Zeder v. United States*, 547 U.S. 489 (2006).
7. Based upon the aforementioned reasons which will require additional time to investigate and prepare for a proper defense, the ends of justice will be served by granting a continuance, and the basis for the requested continuance outweighs the public's interest in a speedy trial.

8. Counsel for the Defendant has contacted the attorney for the United States, and the Government has no objection to this motion, and believes this motion is appropriate based on the facts and circumstances as outlined.
9. Undersigned counsel has met with Mr. Swartwood, and Mr. Swartwood concurs for the need to continue the trial beyond the speedy trial date.
10. For all of the aforementioned reasons, the Defendant respectfully requests trial in this matter be set beyond the speedy trial date and to continue the trial to a time convenient to the Court, around January 15, 2013.

Respectfully submitted this 4th day of September, 2012.

/s/ Andrew Parnes
Andrew Parnes
Counsel for Defendant

CERTIFICATE OF SERVICE

The undersigned certifies that on the 4th day of September, 2012, a true and correct copy of the foregoing document was served upon Counsel of Record, Jason Conder via CM/ECF or Court's Electronic Filing System.

/s/ Andrew Parnes